

### REMARKS

The undersigned greatly appreciates the courtesies extended by Examiners Arthur Duran and James Myhre during the interview with the applicant, Mr. Ken Wyker, at the Patent and Trademark Office on April 7, 2004. The prior art Deaton patent was discussed during the interview. Applicant pointed out notable distinctions between Deaton and the present claimed invention—namely, the limitations in Deaton from a manufacturer's perspective in the inability to effectively control and manipulate net sales price of its items to consumers based on current pricing activity within particular retail stores.

Claims 1-41 in the case are pending and stand rejected. Claims 19 and 29 have been rejected under 35 U.S.C. §101 as reciting non-statutory subject matter. Claims 1-5, 7-21, 23-31, 33-41 have been rejected under 35 U.S.C. §102(b) as being anticipated by Deaton (5,687,322). Claims 6, 22, and 32 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Deaton in view of Barnett (6,321,208).

With regard to the rejection under §101, claims 19 and 29 are amended herein to recite the step of *accessing consumer information stored in an electronic computer database*. Applicant submits that these claims now have a clear connection to the technological arts.

With regard to rejections under §§102(b) and 103(a), the present claims are further amended herein to more clearly recite the step of the manufacturer offering a price discount to a predetermined select group of consumers based on the promotion period for an item at the retail store. Applicant respectfully submits that the art cited neither discloses, teaches or suggests a business method as now claimed.


As indicated in the Application, pages 11-12, manufacturers use trade money to negotiate retail price reductions for their items at retail stores, and coupon/discount programs offered directly to selected consumers for savings at the point of sale. The present business method allows manufactures to control and manipulate item cost by targeting their coupon/discount programs based on retail price reductions offered by retail stores. Since competing retail stores typically do not want to offer retail price reductions for a common item at the same time, the promotion periods for the common item are generally different from one retail store to the other. Manufacturer coupon/discount programs according to the present business method are therefore targeted to specific consumers at specific retail stores and during specific times. This allows the manufacturer to manipulate the cost of its item sold at competing retail stores in order to achieve certain goals for influencing consumer purchases.

With regard to the prior art, the examiner stated during the interview that Deaton discloses targeted, price sensitive coupons with different layers of coupons being offered by the manufacturer, retailer, or distributor. This art, however, does not disclose the *manufacturer* offering discounts to select consumers based on existing promotional activity within and dictated by the *retail store*. By utilizing information regarding retail store promotions, the manufacturer can precisely time its own item discounts to more effectively target select consumer groups. The affect of the present claimed method is to enable *the manufacturer* to control and manipulate a "net" retail sales price to select consumers through coupon/discount programs while better utilizing its manufacturer trade money—money which is used to negotiate retail price reductions for items during

retail store promotion periods. No other method of system of the prior art teaches or suggests this type of leveraging by manufacturers to influence consumer purchases.

For all of the reasons discussed above, Applicant submits that all of the claims in the case are now in condition for allowance. Such action is therefore requested at an early date. If the examiner believes that issues remain for discussion, he is invited to contact the undersigned at the telephone number or e-mail address listed below.

Respectfully submitted,



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